

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA NORTHERN DIVISION

RECEIVED
2007 MAY 17 AM 11:42

ROBERT LEE ALLEN,
Plaintiff,

V.

WILLIE VAUGHNER, et al.,
Defendants,

Civil Action No. 2:07-CV-90-ID-WO
2:07-CV-85-WKW

MOTION FOR DISMISSAL OF DEFENDANT'S SPECIAL REPORT
AND ANSWER OR MOTION FOR EXTENSION OF TIME AN
MOTION FOR ISSUANCE OF SUBPOENA FOR AN ORDER
SO THAT PLAINTIFF CAN GET LEGAL DOCUMENTS COPIED

COMES NOW, the plaintiff, Robert Lee Allen, prose,
IN the Above styled Cause and moves this Honorable
Court to GRANT AN ORDER FOR DISMISSAL OF Defendant's
Special Report And Answer OR FOR AN Extension of time
IN which to file uncopied legal Documents to Respond
IN opposition to present sufficient legal cause AN for
AN ORDER that a Subpoena be issued Address to the
Autauga County Metro Jail, located at 136 N. Court
STREET, Prattville, AL 36067-3002,
COMMANDING them to Allow Robert Lee Allen,
the plaintiff Access to their copy Machine

to MAKE Copies of legal Documents, so that plaintiff Can Respond back to the Courts, Robert Allen, the plaintiff Respectfully Ask this HONORABLE Court to take jurisdiction IN this MATTER. Robert Allen, will show the Court the Grounds to Support these Motions As follows:

The plaintiff would State to this HONORABLE Court, that IN ORDER to OVERCOME A Defendants Assertion OF Qualified IMMUNITY, that the PLAINTIFF Must demonstrate that at the time of the Alleged Violation, the Contours of the Allegedly Violated Rights were:

"Sufficiently Clear that A Reasonable Official would understand that what he / she was doing Violate(d) the laws and that particular Right."

The plaintiff, would State that by the time that he is done pleading this case, that he feels that he will have done just that, that he will have demonstrated that the Defendants Should have Reasonably Know what the laws were and what Rights he was violating.

IN the INSTANT case at BAR, the plaintiff AVERS to this HONORABLE Court that he has plead Specific Facts, and that he has not Alleged Mere Allegations as the Defendants Suggests. The plaintiff would Respectfully Request that this Honorable Court Consider the Violation OF the plaintiff's 4th Amendment Right.

Robert Allen, the plaintiff, prose, does not have A Law Degree, so he has to Ask the Court to Allow the Motion, And to decide what has to be Done by the Facts, that will be ShOWN to the Court by using the Defendant's Special Report And Answers. Because it does not ReQuire the plaintiff to Mail Any of these documents because the Court And the Defendants have Copies Already Robert Allen, prose will show the Court "Reasonable Doubt And Facts" if the Honorable Court would listen And look And Read All that is ShOWN to them Robert Allen, plaintiff Also have single copies of legal documents that will show the Court that Plaintiff has been stating Facts Not Mere Allegation Robert Allen, can show Criminal Activity with some OF these Documents Already IN the Courts possession And if Allowed plaintiff will show some through Defendant's Special Report And Answer.

Robert Allen, the plaintiff Respectfully Ask this Honorable Court to take jurisdiction IN this MATTER. Robert Allen, plaintiff will show the Court the grounds to Support this Motion As follows:

1.) The plaintiff, Robert Allen, has submitted over (50) fifty Request to the Autauga County Jail Staff to have his legal Documents copied And only got one Response And it was denied Robert Allen sent that Request to the Courts, And it was Returned back to the Autauga County Jail upon its Return for insufficient Amount of 24¢ cent when it in fact contained only seven sheets of paper upon its Return to the Autauga County Jail. The Jail Staff open up my legal mail And seen the Request that was inside that Denied Robert Allen, plaintiff, Access to the Jail Law Library And Denied me Access to their Copy machine. That Request And ENvelope is IN my Instant case file IN MRS. DeBRA Hacketts the Clerk files I ASK the Court to Retrieve that Request form And Review it to be use in this cause. Robert Allen Also Ask ORALLY several, several times AFTER this Returned Request I haven't gotten No Response thereafter

- 2.) Robert Allen, Plaintiff is incarcerated and cannot afford to pay the processing by U.S. MAIL Service to send anyone on the outside to make copies for him.
- 3.) Robert Allen's legal mail is being opened without his presence, and never has Robert Allen signed for any of his legal mail. Robert Allen has received his legal mail opened up already after being in the jail staff possession for up to (1) one week. Robert Allen writes down who delivers him legal mail and the dates that he receives all of his legal mail. Robert Allen is afraid to trust anyone with his legal documents because he only has one copy of some of these documents. Most of these documents have to be copied and cannot be handwritten to serve as a copy the court will accept. Robert Allen has concrete proof with these documents that are in his possession.
- 4.) It is already established in the courts that I am indigent, and my status has not changed.
- 5.) Plaintiff has already established the fact that there is a copy machine at this jail facility in Prattville, AL and was denied.
- 6.) Plaintiff does not have sufficient means and is actually unable to pay the fees required by the clerk, Honorable Debra Hackett to make copies.

- 7.) It is vital to the plaintiff defense to have access to this Copy Machine, plaintiff does not trust his legal Mail And legal Documents ~~lying~~ Laying Around IN the jail Somewhere for several days
- 8.) ON (2) two occasion Robert Allen's Legal Mail was given to other INMates. (~~Look At Exhibit "A" and "B"~~)
- 9.) Access to the Copy Machine will Keep the plaintiff From having to write down everything (2) two times in order to keep this Instant case on track, And to Also cut down on his time IN Responding back to the Courts IN A timely MANNER.
- 10.) Since Robert Allen, plaintiff does not have Access to A Copy Machine He Ask the courts to Allow him to use Defendant's Special Report And Answer As his Evidence since All parties have A Copy And it does not Require to be mailed to Anyone. And they have been Before the Courts Already
- 11.) I want the Court to look At top sheet of the Defendant's Special Report And Answer. I want you to read the Introduction. It Reads Robert Allen was Arrested for Receiving Stolen PROPERTY First Degree UNTRUE, Robert Allen, the plaintiff was Arrested For theft of PROPERTY 1st (Look At Exhibit "C") And ("D") (The Warrant And Complaint)

12.) I want the Court to look At the INTRODUCTION
 Again Now Read the dates it Reads October 10, 2007
 that day is yet to come it is in the future

13.) I want the Court to Read the INTRODUCTION
 where it says plaintiff was Returned to the
 Lowndes County Jail IN January, 2007. UNTRUE
 IN fact Robert Allen was Returned back to the
 Lowndes County Jail ON October 12, 2006
 two day's After being Transferred to Autauga County
 Jail ON the Defendant's Special Report And
 Answer I want the Court to look Exhibit "1"
 Now I want the Court to Read the ALABAMA
 UNIFORM Arrest Reports, both of them
 Now I want the Court to Read the DATE OF ARREST
 one Reads 10-12-06 the date Robert Allen the
 plaintiff Returned FROM Autauga County Jail
 the other one Reads 08-08-06 the day that's
 ON The ARREST Warrant (Exhibit "C")

14.) Now I want the Court to ^{Look} At the Consolidated
 Appearance Bond. It Reads Rec. Stolen property 1st
UNTRUE. Robert Allen, the plaintiff is charge
 with Theft OF PROPERTY 1st. Look At the Special
 Report And Answer Look At (Exhibit 1) Now Read
 the Consolidated Appearance Bond, (Look At Exhibit "C"
 Arrest warrant) Read the Charge (Look At Exhibit 1
 Read the Charge) 7 OF 16

15.) Now I want the Court to look at the Consolidated Appearance Bond Again, Now look At the ~~in~~ top Right hand Corner where it (say) reads Case Number Notice that it is blank, No case Number, Now I want the Court to think for A Minute this is the Bond I was told to sign And I would be Allow to go home but After Robert Allen sign Consolidated Appearance Bond he was handcuffed And driven to A Gas station ON the outskirts OF Montgomery And TRANSfered over too AN Autauga County Deputy Sheriff And driven back to the Autauga County Sheriff's office Robert Allen was never told he was under ARREST, And why he was being lock up in Another County, Robert Allen was Release 2-7-07 FROM Lowndes County illegal under False Bond. Suppose I told the Court that their is More issues with this Bond. I want the Court to Read the Bond where it states false statements are punishable as perjury. Plaintiff will expose those issues At A later time IN this Instant case I think the Court will want to know those issues.

16.) Now I want the Court to look at both case's, case No 2:07-cv-90-1D-WC And 2:07-cv-85-WKW I want the Court to Look At All ~~the~~ of the Defendants Affidavits NONE of them have been Stamp with A Notary public Seal

17.) Now I want the Court specifically to look At the Affidavit of Lakesha Bolling She did not sign her Affidavit nor is it Notarize her Affidavit is ~~not~~ Not Completed, ON Case No.

2:07-cv-90-ID-WC of the Defendant's Special Report

18.) I Don't Know About the Courts Affidavits but one of Jeanette Cottrell Affidavit sheets is missing the middle one is missing from her Affidavit, that was (Sent) Mailed to plaintiff, Robert Allen (IMcomplete)

19.) Now I want the Court to look At case No. 2:07-cv-90-ID-WC, I want the Court to look At Affidavits of Lenny Lee, I want the Court to look At (Exhibit "2") Read both Affidavits plaintiff will explain what to look for And Read I want the Court to Read the first Affidavit without the Notary Seal. Read Number (3) It Reads, After Lieutenant Jeanetta Cottrell, Sergeant Lakesha Bolling, And I Confronted INmate Robert Allen,

Now Go to (Exhibit "2") Lowndes County Sheriff's Office Incident Report, NOW Read, the first, Four lines on this Notarize Sworn Statement with the Notary public Stamp Seal by Notary public Stephanie Jones on the 9th day of February 2007.

It Reads, ON 1-22-07 between 1:30 And 2:00pm MR Robert Allen was escorted from the Dorm Cell that he had been confined to by me, Investigator Lenny Lee. SGT. L. Taylor And officer J. Cottrell to A

Holding cell in the booking area.

I want the Records to show that on one Affidavit it states that SGT. Lakesha Bolling escorted Robert Allen And on the other one with the Notary seal stamp on it, it clearly states SGT L. Taylor escorted Robert Allen up to Booking Area, Along with Lt. J. Cottrell Now I want the Court to think for A Minute we have to conflicting supposedly SWORN Staments Made under oath. Let the Court Records show that for the Records.

20.) Robert Allen the plaintiff, want Everything in this Motion ON Record IN A COURT TRANSCRIPT so plaintiff can Retrieve for his other Instant complaints that may arise At A later Date.

21.) Now plaintiff, Robert Allen, prose, would like the Court to Look At the Defendant's Special Report and Answer. Now I want ~~you~~ the Honorable Court to Look at (Exhibit "3") INMates ReQuest FORMS

I want the Court to look At the top sheet with the dates of the ReQuest forms All out of ORDER And staple together so that the Court can't see a clear picture of the proper sequence's of An event unfolding

But Robert Allen the plaintiff, will Guide the Court through this maze. But I want to Address Laura Gresham Affidavit first because of the

Staments that pertain to these last And Lost ReQuest/Grievance Forms that seem to have disappeared suddenly

I want the Court to Look At Affidavit of Laura Gresham/
 Civil Action No 2:07-cv-85-WKW Defendant's Special Report
 And Answer, Look At page 2 Number 5 I want the Court
 to Read (Number "5" of page 2) Affidavit It Reads, At no
 time does Any member of the jail Staff substitutes
his or her judgement for the Medical judgement of
Nurses, paramedics, OR Doctors. Now I want the
 Court to Read Number (18) of Laura Gresham Affidavit
 Look where it Reads, The Doctor Also Recommended
 that he Receive an over-the Counter Medication,
 Meta Mucil. No prescription was filled for this Medication
 due to the fact that, as it is An Over the Counter Medication
 Now I want the Court to Stop Reading for a moment and
let your mind go back to what line Number (5) Read, I
Do not have to Explain, Because the Court is Smarter than
Robert Allen You Already know, Now I want the Court to
 Look At (Exhibit "5") It Reads prescription For Robert
 Allen (dated (09-06-06)) Now Look at the Date on the
 Doctor's prescription it Reads different, Now I want
 the Court to Look at where Someone Alter the Doctor's
Prescription And written in the words ("Do Not Fill")
 And Circle the Medicine the Doctor prescribe for
 Robert Allen to take to improve his Medical condition
 Now Read All of the Request/Grievance's Robert Allen
 wrote when the Medicine that the jail substituted
 Did not work Robert Allen suffered badly.

Now What does this look like somebody's trying to play Doctor without A Medical Degree Now I want to Ask the Court is it Against the Law to Alter A Doctor's Prescription the Court Can Clearly see someone did in Fact Alter the Doctor's prescription. Let the Court Records show that for later use Now I want the Court to Turn to the Next page of (EXhibit "5") I want the Court to Read Do you see the other Medicine prescribe to be use by, Robert Allen, the plaintiff, No where, No you don't see it Because Someone other than the Doctor Change his prescription Now I want the Court to Look At (EXhibit "4") of the Defendant's Special Report And Answer, Now I want the Court to Read ReQuest/GRIevance Form Dated 9-06-06 I want the Court to EXamine the ReQuest Form GRIevance's All OF them for Signatures And Action ~~that was taken~~ taken by the Jail Staff, Most of these ReQuest Grievance Forms Do not have A Receiving officer signature's (No) Action was taken on None of the ReQuest Grievance's Forms, Robert Allen, Notice NONE of his Grievance Forms Are in this list on his Instant Complaint these are All old Complaints I want it on Record the Defendants did not submit All of Robert Allen, the plaintiff Grievances And ReQuest Forms I want the Court to Reflect back to where All of the Defendant's State IN All of their Affidavits that they know Robert Allen, the plaintiff, Grievances forms being submitted the only one that close, And was pertaining to was

ReQuest/Grievance form Dated 9-19-2006 when Robert Allen Ask to speak to the Chief, on 9-7-2006 Robert Allen was bitten by A spider 2 times And Never Received Any Medical treatment Robert Allen was Denied, Robert Allen Submitted ReQuest/Grievance's Forms on Everything that to him I want the Court to look At how many ReQuests Robert Allen submitted when he did not go to the Bathroom to pass A Bowel Movement, Robert Allen beleives in submitting ReQuest/Grievance's, when he is denied his Rights or wrong by the jail staff the incidents that occurred happen And Robert Allen treated them No different From the one's the defendant chose to use As their defense As you can see the Jail Staff Doesn't even bother signing none of your Complaints I want the Court to take Notice that none of these Complaints was Returned back to Robert Allen. How can Robert Allen produce Any ReQuest Grievance Documents if they was never look at or sign how can the Court Accept Defendants Words that Robert Allen Did not submit Any Grievance's Forms on his Instant Complaint The defendant's have showed the Court's through their own Evidence submitted to the Courts they don't sign nor take Action Robert Allen the plaintiff submitted Too many Grievances, he cannot count them All but Never did the Jail Staff Respond back, I think Robert Allen has proven something is wrong here through Defendants Special Report And Answers,

22.) I want the Court to look ~~At~~ the signatures on the Consolidated Appearance Bond (Look At Exhibit "1") Now I want the Court to take A few minutes And study the signatures of the Sheriff's, take A look At the style in which its sign I want you to look At how ~~at~~ the letter's are straight neatly written, pay close Attention to how the last name is worded And seperated, I, Robert Allen, the plaintiff, prose have in his possession A true copy of the Sheriff. Willie Vaughner signatures if you look At the writing that say's who can sign it Reads (Approved by: judge / Mggistrate / Sheriff) I want the Court to know Actually it looks As if both signatures was sign by the same person, Because I Also have A True copy of the Captain, Laura Gresham signature And it doesn't Match up And thats A Fact And thats what the court wanted And thats what I the plaintiff is going to show the Court with documents provided by the defendants themselves in the Defendant's Special Reports And Answers. Now I want the Court to look at both ~~specia~~ Defendant's Special Report And Answer Now I want the Court to Look At All of the Affidavits signatures where the Captain Laura Gresham And Sheriff Willie Vaughner has it doesn't take A Hand writing expert to see the difference in these signature's IN Fact Your signature ~~is~~ is of kind like A fingerprint

Laura Gresham was the Notary for All of the
defendants I want the Court to Look At how
 each of her signatures, Match up ~~do not~~ one of them
look even close to being like the signature on the
Consolidated Appearance Bond pay close Attention
to how each signature ~~there~~ is different From each other
 Now I want you to look At the Sheriff's last name
 (Look At the (V's) And (G's) And (H) in Vaughner)
 Look At how this Name is written straight up And down
 Motion Not slanted, I want All Attention Focus on the Bond
 I want the Court to look At how the (H) in Vaughner
 And the (G) in Gresham lines straight up with each
 other suggesting its one of the same person that sign
 Now if Robert Allen can see it I know the Court can
 to The Reason I know for sure Because I Have A
True Copy of Both Signatures, but I have no way to
make copies to send the Courts, UNless this Honorable
 Court GRANT in plaintiff favor And GRANT what
 HE REQUEST, I want the Court to know Robert Allen is
 Not A Hand written specialist he just know
 its A fact And A fact is A fact And these
 signatures Do not Match And since these documents
 have Already been before the Courts they Are Considered
 Evidence to be use in the Course of this Trial
 IF this Motion is Granted plaintiff wish to start
 His Discovery process.

Match the Signatures up to the Consolidated Appearance Bond
Wherefore, premises considered, the plaintiff would
 Respectfully Request that this Honorable Court not Allow
 the Defendants to plead or claim Any of the Defenses
 OR IMMUNITIES that he has stated in his Response.

The plaintiff ~~was~~ Already proven by the Exhibits that
 the special Report has provided to this Honorable Court
 that something is not Right somewhere, And thus there
 should be some Right to find out the truth to this
 matter.

Wherefore, the plaintiff would further Respectfully Request
 that this Honorable Court GRANT AN ORDER in his Favor
 If not plaintiff has more Evidence ~~in his Favor if not~~
 To Add to this cause if Allow to proceed. But plaintiff
 want this Instant Complaint To Reveal All the Truth
 And plaintiff Has it

CERTIFICATE OF SERVICE

I Certify that I have served A True And
 Correct Copy of the foregoing on the Defendants
Attorney DARYL L Masters By placing same
 IN The Mail, 1st class, postage paid ON This 11th
 Day OF May 2007.

Robert Allen
 136 N. Court St
 Prattville, AL 36067-3002

5-11-2007 Prose Robert Allen
 Robert Allen

STATE OF ALABAMA LOWNDES COUNTY DISTRICT COURT

AGENCY NUMBER: S

WARRANT NUMBER: WR 2006 000435.00
OTHER CASE NBR:

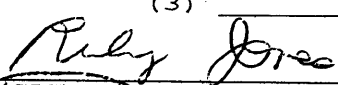
TO ANY LAWFUL OFFICER OF THE STATE OF ALABAMA:

YOU ARE HEREBY COMMANDED TO ARREST ROBERT LEE ALLEN AND BRING HIM/HER BEFORE THE DISTRICT COURT OF LOWNDES COUNTY TO ANSWER THE STATE ON A CHARGE(S) OF:

THEFT OF PROP 1ST CLASS: B TYPE: F COUNTS: 001
AND HAVE YOU THEN AND THERE THIS WRIT WITH YOUR RETURN THEREON.

YOU WILL RECEIVE UNTO YOUR CUSTODY AND DETAIN HIM/HER UNTIL THE DAY OF _____, OR UNTIL LEGALLY DISCHARGED.

DATED THIS 09 DAY OF AUGUST, 2006.

BOND SET AT: (1) \$20,000.00 BOND TYPE: PROPERTY BOND
(2) _____
(3) _____
JUDGE/CLERK/MAGISTRATE OF DISTRICT COURT

CHARGES: THEFT OF PROP 1ST X 13A-008-003 F FELONY

NAME: ROBERT LEE ALLEN
ADDRESS: 1025 BLUEBERRY LANE
ADDRESS:
CITY: PRATTVILLE

STATE: AL

ALIAS:
ALIAS:
ZIP: 36067 0000
PHONE: 334 361 5408 EXT: 000

EMPLOYMENT:

DOB: 09/01/1964 RACE: B SEX: M HAIR: BLK
EYE: BRO HEIGHT: 6'03" WEIGHT: 185
SID: 000000000 SSN: 267755691 DL NUM:

E X E C U T I O N

EXECUTED THE WITHIN WARRANT BY ARRESTING THE DEFENDANT AND

(✓) PLACING DEFENDANT IN THE LOWNDES COUNTY JAIL

() RELEASING DEFENDANT ON APPEARANCE BOND

THIS 8TH DAY OF AUGUST 2006

SHERIFF

BY COMPLAINANT: AGENT MATT BOWMAN
C/O ABI
301 S. RIPLEY STREET
MONTGOMERY AL 36104

OPERATOR: RUJ DATE: 08/09/2006

RECEIVED

AUG 09 2006

SHERIFF
LOWNDES COUNTY

ALABAMA JUDICIAL INFORMATION SYSTEM

* * * IN THE DISTRICT COURT OF LOWNDES COUNTY * * *

AGENCY NUMBER: S

WARRANT NUMBER: WR 2006 000435.00
OTHER CASE NBR:

C O M P L A I N T

BEFORE ME THE UNDERSIGNED JUDGE/CLERK/MAGISTRATE OF THE DISTRICT COURT OF LOWNDES COUNTY, ALABAMA, PERSONALLY APPEARED AGENT MATT BOWMAN WHO BEING DULY SWORN DEPOSES AND SAYS THAT HE/SHE HAS PROBABLE CAUSE FOR BELIEVING, AND DOES BELIEVE THAT ROBERT LEE ALLEN DEFENDANT, WHOSE NAME IS OTHERWISE UNKNOWN TO THE COMPLAINANT, DID WITHIN THE ABOVE NAMED COUNTY AND

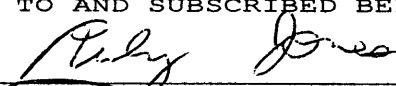
ON OR ABOUT 8/8/06, KNOWINGLY OBTAIN OR EXERT UNAUTHORIZED CONTROL OVER:

(X) A MOTOR VEHICLE, TO-WIT: 1980 FORD 150, THE PROPERTY OF, TO-WIT: JOHN FARRIOR, WITH THE INTENT TO DEPRIVE THE OWNER OF THE SAID PROPERTY!

IN VIOLATION OF 13A-008-003 OF THE CODE OF ALABAMA, AGAINST THE PEACE AND DIGNITY OF THE STATE OF ALABAMA.


COMPLAINANT'S SIGNATURE

SWORN TO AND SUBSCRIBED BEFORE ME THIS THE 09 DAY OF AUGUST, 2006.


JUDGE/CLERK/MAGISTRATE OF DISTRICT COURT

CHARGES: THEFT OF PROP 1ST 13A-008-003 F FELONY

WITNESS FOR THE STATE

AGENT MATT BOWMAN/C/O ABI/301 S. RIPLEY STREET/MONTGOMERY/36104

OPERATOR: RUJ DATE: 08/09/2006



Office of the Clerk
Honorable DEBRA HACKETT
District Court

TO THE HONORABLE DEBRA HACKETT
DISTRICT COURT
MONTGOMERY, AL 36101-0711
MAIL ROOM

002